

REMARKS

Claims 1, 2, 5, 6, 10, 13, 14, 17, 18, 21, 22, 25, 26, 27, and 28 stand rejected under 35 U.S.C. §102(e) as being anticipated by Catona, (USP 6,288,319). Claims 3, 4, 11, 12, 19, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cantona in view of Hsu (USP 5,860,006). Claims 7, 15, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cantona in view of Dawson (USP 6,252,588). Claims 8, 16, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cantona in view of both Hsu and Dawson.

Applicant respectfully traverses this rejection, and requests reconsideration of the pending claims.

Independent claims 1, 9, 17, and 25 have been amended to more particularly recite the contents of a soundscape. In particular, the soundscape is now being recited as comprising more than one distinct audio file that is assembled and mixed with a user's message. Namely, a soundscape includes at least a front punctuating sound, a background section, and a back punctuating sound, where each section originates from a distinct audio segment chosen by the user. The distinct segments are then mixed together to create a soundscape.

Applicant notes that the prior art of record only discloses mixing a recorded message with a single background track, such as recording a user's vocal over an instrumental song as is done "Karaoke-style" in the art as noted by the Examiner. For example, Cantona only contemplates allowing the user to download a pre-recorded song from a database of available songs. Likewise, Hsu discloses providing background music to mix with a recorded message. Neither reference discloses or suggests allowing a user to create a multi-part soundscape over which a personalized greeting may be recorded.

In contrast to the prior art, the present invention provides a user with a choice of multiple audio selections from which a custom soundscape background may be created.

The specification at page 11 provides:

In an exemplary non-limiting embodiment of the present invention a soundscape which is comprised of three segments may be composed of three distinct digital audio files. Further, segments that are used to compose a given soundscape may be employed interchangeably in the composition of other soundscapes. Though the present example shows a three-section soundscape,

it is contemplated that soundscapes may comprise a wide variety of content and themes.

Thus, users may choose opening and closing sounds to mix around a background of their choosing to create a desired mood according to their own tastes and preferences. The user then mixes a recorded message with the soundscape to create a completely customized message having a unique background soundscape.

The present invention as now claimed provides the benefit of allowing a user to create a background soundscape from multiple, distinct, audio segments that may be interchanged and used in other soundscapes. This results in a level of customization not found in the prior art of record.

Claims 6, 14, 22, and 28 have been removed from the case, and resulting dependency issues have been corrected.

Applicant respectfully submits that the cited references do not teach or suggest the limitations of the present claims as now amended.

Applicant requests that this application be allowed. If the Examiner has any questions regarding this application, the Examiner may telephone the undersigned attorney at 775-586-9500.

Dated: May 31, 2005

Respectfully submitted,
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